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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,106	11/25/2003	Masahide Kaneko	67162-030	4477
<div>7590 07/09/2007 McDERMOTT, WILL & EMERY 600 13th Street, N.W. Washington, DC 20005-3096</div>			<div>EXAMINER WALSH, JOHN B</div>	
			<div>ART UNIT 2151</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 07/09/2007</div>	<div>DELIVERY MODE PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/720,106

Applicant(s)

KANEKO ET AL.

Examiner

John B. Walsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11/28/05; 6/29/06; 2/15/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: IDS 10/25/05; 3/25/04

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites “a second wire connection unit for transmitting the data read out from said second memory to said second data processing apparatus”. It is unclear if this unit is transmitting wirelessly as set forth earlier in the claim or is it a wired connection and the earlier recitation of the wireless connection is incorrect or there are two connections to the second data processing apparatus.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,931,659 to Kinemura.

As concerns claim 1, a communication assisting apparatus for mediating data transfer between a first data processing apparatus (figure 3, CATV station) and a second data processing apparatus (figure 3, L1), comprising: a first connection unit (cable modem unit A) connected by wire (column 1, line 60) with said first data processing apparatus, said first connection unit receiving data (column 3, lines 35-36) from said first data processing apparatus; a memory (buffer 5) for storing therein the data received by said first connection unit; and a second connection unit (cable modem unit B) connected by wireless (figure 3, column 3, line 60) with said second data processing apparatus, said second connection unit transmitting the data (column 3, lines 50-60) read out from said memory to said second data processing apparatus.

As concerns claim 2, the communication assisting apparatus according to claim 1, further comprising: a processing section (CPU 4) for reading out the data stored in said memory according to a state of communication with said second data processing apparatus.

As concerns claim 3, the communication assisting apparatus according to claim 2, wherein said processing section suspends data transfer of the data stored in said memory until communication with said second data processing apparatus is established (figure 4, s11).

As concerns claim 4, the communication assisting apparatus according to claim 1, wherein said second connection unit receives further data different ("different" is a relative term, data is "received" data and is therefore different) from the data stored in said memory, by

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wireless from said second data processing apparatus (column 5, line 5-received data at B from 2nd dpa), wherein said memory (5) stores therein the further data received by said second connection unit, and wherein said first connection unit transmits (column 5, lines 31-32) the further data read out from said memory to said first data processing apparatus.

As concerns claim 5, the communication assisting apparatus according to claim 2, wherein said memory includes at least one of a rewritable non-volatile memory and a volatile memory (column 3, line 53).

As concerns 6, the communication assisting apparatus according to claim 5, wherein said rewritable non-volatile memory stores environmental data ("environmental" is merely a label) for setting operating conditions which is used by said second data processing apparatus (column 2, lines 18-32), wherein said processing section further reads out (column 3, line 51) the environmental data upon reading out the data stored in said memory, and wherein said second connection unit transmits (column 3, lines 50-60) the environmental data read out by said processing section to said second data processing apparatus.

As best understood concerning claim 7, a communication system for performing data transfer a first data processing apparatus (figure 3, CATV station) and a second data processing apparatus (figure 3, L2), comprising: a first communication assisting apparatus (cable modem) connected by wire (column 1, line 60) with said first data processing apparatus; and a second communication assisting apparatus (L2) connected by wireless (figure 3, column 3, line 60) with said second data processing apparatus, wherein said first communication assisting apparatus comprises: a first wire connection unit (cable modem unit A) for receiving data from

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said first data processing apparatus; a first memory (a first portion of buffer 5) for storing the data received by said first wire connection unit; and a first wireless connection unit (cable modem unit B) connected by wireless with said second communication assisting apparatus, said first wireless connection unit transmitting the data (column 3, lines 50-60) read out from said first memory to said second communication assisting apparatus, and wherein said second communication assisting apparatus comprises: a second wireless connection unit (wireless unit of 27a) connected by wireless with said first communication assisting apparatus, said second wireless connection unit receiving data (receiving data through network figure 3) from said first communication assisting apparatus; a second memory (memory of 27a) for storing the data received by said second wireless connection unit; and a second wire connection unit (wires internal of 27a) for transmitting the data read out from said second memory to said second data processing apparatus.


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Walsh whose telephone number is 571-272-7063. The examiner can normally be reached on Monday-Thursday from 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information

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Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


John B. Walsh
Primary Examiner
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